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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,421	05/17/2006	Jan Clair Nielsen	NIELSEN6A	5536
1444 7590 04/23/2010 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER GANGLE, BRIAN J	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

APR 23 2010

In re Application of:

Jan Clair Nielsen

Serial No.: 10/562,421

Filed: May 17, 2006

Attorney Docket No.: NIELSEN6A

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: PETITION DECISION
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This is in response to the Petition filed by applicants under 37 CFR § 1.181 on April 5, 2010, requesting that the finality of the Office action of February 5, 2010 be withdrawn.

BACKGROUND

Most recently, on February 5, 2010, the examiner mailed a “final” Office action.


Applicant argues that application should not have been made final as new grounds of rejection are introduced. While the Office Action Summary (PTOL-326) does indicate the action is FINAL [see Status 2a)], this is a typographic error. It should be noted the Office action does not close with the paragraph that the action is final. Therefore, the Office action of February 5, 2010 is a non-final action.

DECISION

The petition is **DISMISSED AS MOOT.**

Any amendment filed will be entered and considered by the examiner.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.


Marianne C. Seidel
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